

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JUSTIN MICHAEL WANKEL,
JACOB BLEI WANKEL, ALYSSA LEE
WANKEL, and CHELSEA RENAE MOTT,
Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
April 20, 2006

Petitioner-Appellee,

v

ERIN WANKEL,

Respondent-Appellant,

and

DAVID MOTT,

Respondent.

No. 262788
Oakland Circuit Court
Family Division
LC No. 03-683153-NA

Before: Cooper, P.J., and Cavanagh and Fitzgerald, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent-appellant first contends that the evidence was not sufficiently clear and convincing to support the statutory grounds for termination of her parental rights. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50: 480 NW2d 293 (1993). We review the trial court's decision under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005).

The trial court did not clearly err in finding that the statutory grounds were established by clear and convincing evidence. The order of disposition was filed on November 17, 2003, and the termination order was entered on May 6, 2005, more than 182 days later. The conditions that

led to the adjudication were that respondent-appellant was addicted to medication and had put her children at risk by getting into a car accident while driving under the influence of drugs. The evidence showed that respondent-appellant was still at risk for further substance abuse and involvement in abusive relationships. While this case was pending, respondent-appellant had relapsed into drug addiction, became involved in an abusive relationship, and exposed the children to that risk. She lacked insight into the causes of her behavior, denied responsibility for her actions, lied to the court and the caseworkers on numerous occasions, and exhibited aggressive and threatening behaviors. Although she had remained drug-free for a period of time, she had not significantly demonstrated that her judgment had improved or that she could make better choices. She had failed to take responsibility for her actions, stating that if she did not intend the negative consequences of her actions, then she was not accountable. Respondent-appellant was demonstrating the warning signs of possible relapse by missing appointments with her counselors and deciding for herself that she did not need to see a psychiatrist. She was not taking her prescribed medication. She stated that she attended AA meetings once a week, although she was required to attend at least twice a week, and provided no documentation of attendance at AA meetings after November 8, 2004, a period of five months before the hearing. Thus, we find that the conditions that led to the adjudication continued to exist and there was no reasonable likelihood that they would be rectified within a reasonable time considering the ages of the children and the age of this case. In addition, although respondent-appellant had employment, health insurance, and a home for the children, she had not demonstrated that she could provide the proper care or custody for them. In fact, her actions showed that there was no reasonable expectation that she would be able to provide proper care and custody within a reasonable time. Finally, her conduct, as outlined above, showed that there was a reasonable likelihood that the children would be harmed if returned to respondent-appellant's home. Accordingly, we find that there was clear and convincing evidence to support termination of respondent-appellant's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j).

Next, respondent-appellant argues that the trial court erred when it determined that the children's best interests did not preclude termination of her parental rights. Again, we disagree. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interest. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision regarding the child's best interests is reviewed for clear error. *Id.* at 356-357.

The only evidence presented to support respondent-appellant's argument was that there was still a strong bond between her and the children. However, the evidence also showed that the children needed permanency and that respondent-appellant was just in the beginning stages of recovery with many signs pointing to another drug addiction relapse. In addition, respondent-appellant had not gained insight into the issues that caused her to become addicted to drugs and to involve herself in abusive relationships, thereby putting herself and her children at risk. Respondent-appellant had not accepted responsibility for her actions and was not in compliance with the requirements of the parent/agency agreement. The evidence clearly showed that respondent-appellant would not be able to provide the proper care and custody for her children within a reasonable time. The court did not clearly err in its best interests determination.

Affirmed.

/s/ Jessica R. Cooper
/s/ Mark J. Cavanagh
/s/ E. Thomas Fitzgerald